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TRULINCS 44202086 - MODELESKI, MITCHELL PAUL - Unit: SET-D-C

\* given name  
(also a "nom de guerre")  
Pth

FROM: 44202086

TO: Brown, Thomas; Guenette, Edward; Mullen, Jack; Saccato, Larry

SUBJECT: FIRST SUPPLEMENT TO MOTIONS TO DISMISS

DATE: 05/10/2014 06:13:58 AM

FIRST SUPPLEMENT TO MOTIONS TO DISMISS, BY AFFIDAVIT

TO:

Presiding Judge (duly credentialed)  
District Court of the United States ("DCUS")  
2120 Capitol Avenue  
Cheyenne 82001  
Wyoming, USA

DATE: May 10, 2014 A.D.

RE:

#2:14-CR-00027-NDF-2 (USDC/Cheyenne)

#MJ-14-00030-JPD (USDC/Seattle) ✓

Greetings Your Honor:

The following serious errors have also arisen in the instant cases:

(1) no litigation of Defendant's Cross-Complaints has occurred  
e.g. Habeas Corpus Relief, FOIA Enforcement, Civil RICO remedies  
at both USDCs (Seattle and Cheyenne), and litigation records have  
been concealed from the Defendant, all in violation of the Petition  
Clause in the First Amendment and 18 U.S.C. 241, 242, 1513, 1519  
(for starters): "The Petition Clause is the Right conservative of  
ALL other rights" (see U.S. Supreme Court cases on this point);

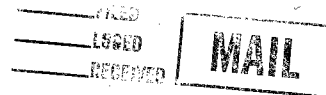
(2) willful manipulation and violation of the Speedy Trial guarantee:  
from 1/28/2014 to 5/10/2014 = 103 days (not 70);  
from 1/15/2014 to 5/10/2014 = 116 days (not 70);  
adding 10 full days for "transport" is ludicrous;  
Seattle-to-Cheyenne takes 1 day by plane, maybe 2 days;  
total number of moves to date = 28 TIMES  
(see Defendant's AFFIDAVIT); adding a full 30 days  
for a second psychological evaluation was without basis  
and without justification:

Defendant was provided no motion, no notice of any motion,  
no notice of any hearing, and no hearing on any motion  
for a second psychological evaluation; said "order"  
as signed by Ms. Freudenthal violated 28 U.S.C. 1691 (again);

(3) venue was always proper in Seattle; Defendant last stepped  
foot in Wyoming during a college ski trip in December 1968;  
wrong venue violates FRCrP Rule 18;

(4) all Court "process" to date violated 28 U.S.C. 1691;  
no credentials were produced for Clerks and Deputy Clerks  
of Court at USDC/Cheyenne and USDC/Seattle i.e.  
Messrs. McCool, Harris, Fisher, and Ms. Hilliker;

(5) Ms. Freudenthal must be recused nunc pro tunc for  
obvious bias demonstrated during the hearing on 3/21/2014:



MAY 13 2014

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

the credential investigation is NOT some kind of deranged "pathological obsession"; Freudenthal even apologized to Defendant in open court i.e. on the record, and either knew or should have known better than to insult Defendant;

(6) docket updates were apparently served on "stand-by counsel" Mark Hardee, but Hardee has never legally represented Defendant and Hardee does not now legally represent Defendant, who has always appeared under protest *In Propria Persona*, 28 U.S.C. 1654: cf. "In Propria Persona" in Black's Law Dictionary, 6th Edition;

Hardee also failed to forward docket updates to Defendant, or do any of the simple tasks requested by Defendant e.g. obtain blank subpoenas, obtain Defendant's USMS file to support Defendant's NOTICE OF PUBLIC-AUTHORITY DEFENSE under FRCrP Rule 12.3; Hardee also lacks client focus;

Hardee's gross negligence violates the Sixth Amendment guarantee of effective assistance of Counsel for a Party appearing personally under 28 U.S.C. 1654 (NOT by counsel); no REPLY(s) to Defendant's two (2) MOTIONS TO DISMISS were ever forwarded to Defendant by Hardee or by anyone else; see *Johnson v. Zerbst* (Court is thus OUSTED of jurisdiction);

(7) all "diesel/jet fuel therapy" (28 moves to date) violated the Eighth Amendment prohibiting cruel and unusual punishment, as did ~15 days in solitary confinement and several incidents of sleep deprivation, one lasting 72+ hours;

lack of OMB control numbers on BOP's intake forms did NOT justify any solitary confinement; see Public Protection Clause in the Paperwork Reduction Act at 44 U.S.C. 3512 in chief i.e. complete defense, bar or otherwise at any time during judicial or administrative proceedings;

(8) during all hearings, administration of oaths to the Defendant, and to one IRS "witness," was not lawful under 28 U.S.C. 953, because courtroom "clerks" have also failed to produce credentials i.e. SF-61 and second OATH required by 28 U.S.C. 951; all such oaths have now been rescinded by Defendant formally in writing; see Defendant's NOTICE OF RESCISSION BY AFFIDAVIT (April 28, 2014);

(9) the second psychological evaluation was compelled under duress after moving Defendant a total of 28 times, but without assistance of Counsel, without Miranda warnings re: self-incrimination, without Defendant's consent to waive Counsel, and without tape-recording of any interviews;

as such, the Fifth and Sixth Amendments were violated; see case law already provided to Dr. C. Low dba Forensic Psychologist at FDC SeaTac; Defendant's age also implies elder abuse: Defendant will be 66 years old on 6/21/2014;

(10) missing Clerks' credentials mean that Defendant cannot obtain ANY lawful blank subpoenas under FRCrP Rule 17: such blank subpoenas would also violate 28 U.S.C. 1691 per force in any case due to all the missing credentials for Clerk's Office personnel;

FEDERAL DETENTION CENTER  
NAME: MODELESTI  
REG: 44202-086  
P.O. BOX 13900  
SEATTLE, WA. 98198-1090

Re: #MS-14-00030-JPD  
(re-opened)  
UNIT: DDC (given name)

SEATTLE WA 981  
12 MAY 2014 PM 11

TO: Office of  
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St. Louis, MO 63101  
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